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5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,

CASE NO. CR00-416Z

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10 Plaintiff,

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

11 v.

12 FERDINAND CLAY,

13 Defendant.
14

15 INTRODUCTION

16 I conducted a hearing on alleged violations of supervised release in this case on May
17 24, 2005. The United States was represented by Susan Harrison; the defendant was
18 represented by Stewart Riley. The proceedings were recorded on disk.
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20 CONVICTION AND SENTENCE

21 Defendant had been convicted of Bank Fraud and Conspiracy to Commit Bank Fraud
22 on or about March 9, 2001. The Hon. Thomas S. Zilly of this Court sentenced the
23 defendant to 15 months of confinement, followed by 5 years of supervised release. Special
24 conditions that were imposed included substance abuse, financial disclosure, restitution of
25 \$350,000, search, no new credit, substance abuse treatment if directed, drug testing and
26 alcohol abstinence.

27 The conditions of supervised release included requirements that Defendant comply
28

1 with the standard 13 conditions.

2 ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

3 USPO Michael Banks alleged that the defendant violated the conditions of supervised
4 release in three respects:

- 5 (1) Participating in a drive-by shooting on November 13, 2004, in violation of the
6 general condition that he not commit any Federal, State, or Local crimes;
7 (2) Attempting to elude police on November 21, 2004, in violation of the general
8 condition that he not commit any Federal, State, or Local crimes; and
9 (3) Possessing a handgun, in violation of the general condition that he not commit
10 any Federal, State and Local crimes.


11 At an initial hearing, I advised the defendant of these charges and of his constitutional
12 rights. At today's hearing Defendant admitted the violations 1 and 3, waived any hearing
13 as to whether they occurred, and the Government has agreed to dismiss violation 2. Both
14 parties have consented to having the matter set for a disposition hearing before the Hon.
15 Thomas S. Zilly.

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17 RECOMMENDED FINDINGS AND CONCLUSIONS

18 Based upon the foregoing, I recommend the court find that Defendant has violated the
19 conditions of his supervised release as alleged; and set the matter for a disposition hearing.

20 Defendant has been detained pending a final determination by the court.

21 DATED this 27th day of May, 2005.

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24 MONICA J. BENTON
25 United States Magistrate Judge

26 cc: Sentencing Judge : Hon. Thomas S. Zilly
27 Assistant U.S. Attorney : Susan Harrison
28 Defense Attorney : Stewart P. Riley
U. S. Probation Officer : Audrea Porter for Michael Banks